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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/477,764 01/04/00 JAN

C 042390.P5488

EXAMINER

MM91/1208

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ART UNIT	PAPER NUMBER

2811

DATE MAILED:

12/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/477,764

Applicant(s)

JAN ET AL.

Examiner

HUNG VU

Group Art Unit

2811

☒ Responsive to communication(s) filed on Oct 4, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 8 and 10-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 8 and 10-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 8 and 10-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Matsumoto et al. (PN 5,726,479, of record) or Chen (PN 5,290,720, of record). Matsumoto et al. discloses a gate electrode formed on a substrate comprising,

- a gate layer (4) disposed above a substrate (1);
- thin first spacers (5) disposed adjacent to opposite sides of the gate layer wherein tops of the thin first spacers are at approximately the same height as a portion of top of the gate layer;
- thick second spacers (36) disposed adjacent to each of the thin first spacers, the thick second spacers having a flat upper surface, wherein tops of the thick second spacers are at approximately the same height as a portion of top of the gate layer;
- a conductive layer (9a) disposed on the gate layer, the conductive layer extending beyond edges of the gate layer;
- wherein the gate layer comprises polysilicon;
- wherein the conductive layer comprises polycide;
- wherein the thin first spacers comprise oxide;

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wherein the thick second spacers comprise nitride;

wherein the polycide comprises titanium salicide (TiSi_2). Note Figures 8-10(f) and 18-21(e) of Matsumoto et al..

Chen also teaches a gate electrode identical to the claimed gate structure. See Figure 4 of Chen.

Response to Arguments

2. Applicant's arguments filed 10/04/00 have been fully considered but they are not persuasive.

It is argued, at page 5 of the Remarks, that the tops of the thin spaces 5 and the tops of the thick spacers 7a are lower than the top of the gate layer 4a. This argument is not convincing because Matsumoto et al. discloses the tops of the thin spacers 5 and the tops of the thick spacers 7a are at approximately the same height as a portion of the top of the gate layer 4a. Since Applicants do not clearly state that the tops of the thin spacers and the tops of the thick spacers are at approximately the same height as an entire top of the gate layer, Applicants' claim 8 does not distinguish over the Matsumoto et al. reference.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Papers related to this application may be submitted to Technology Center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Hung Vu* whose telephone number is (703) 308-4079. The Examiner is in the Office generally between the hours of 7:00 AM to 5:30 PM (Eastern Standard Time) Monday through Thursday.

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Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is (703) 308-0956.

Vu

December 5, 2000

Tom Thoms